

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2578 - SB 2716

February 28, 2018

SUMMARY OF BILL: Authorizes a person less than 20 years of age to petition the court to expunge a conviction for driving under the influence (DUI) of an intoxicant if the offense did not involve a motor vehicle accident and there were mitigating circumstances. Authorizes a person to petition the court to expunge a conviction for mitigated statutory rape or statutory rape if that person was less than 20 at the time of the offense.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tennessee Code Annotated § 40-32-101(g)(1) defines “eligible petitioner”.
- The proposed legislation broadens the definition to include a person less than 20 years of age convicted for DUI of an intoxicant if the offense did not involve a motor vehicle accident and there were mitigating circumstances
- The proposed legislation additionally adds a person who was less than 20 at the time of the offense to expunge a conviction for mitigated statutory rape or statutory rape to the list of expungable offenses.
- There is insufficient data on the number of persons that would be eligible for expungement under this proposed legislation.
- However, since the expungement law was changed by Public Chapter 1103 of the Public Acts of 2012, the number of expungements filed each year has been drastically less than estimated. Approximately one percent of original projections have been realized.
- Therefore, it is assumed that authorizing persons who were less than 20 years of age to expunge a conviction for DUI of an intoxicant if the offense did not involve a motor vehicle accident and there were mitigating circumstances will not significantly impact state or local expungement revenue.
- Additionally, authorizing persons who were less than 20 at the time of the offense to expunge a conviction for mitigated statutory rape or statutory rape, to be considered eligible petitioners, and thus be able to petition for records expungement, will not significantly impact state or local expungement revenue.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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